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Michael Grecco Photography, Inc.	<u>t</u>)
1701 Pier Avenue		
Santa Monica, CA 90405		
Area code and daytime telephone number > (310) 452-4461	Fex number ► (310) 452-4462	
Email ► michael@michaelgrecco.com		
CERTIFICATION® I, the undersigned, hereby certify that I am the		
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17 U.S.C. § 506(a). Any person who knowingly makes a laise representation of a material fact in the application for co with the application, shall be fined not more than \$2,500.	pyright registration provided for by section 409, or in any written statement big	d in connection

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17. United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters
Register of Copyrights, United States of America

FFECTIVE DATE OF REQUESTRATION

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This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

TES COPYRIGHT OFFICE VAu 632-558

95.1870.3 EFFECTIVE DATE OF REGISTRATION JUL 0 2 2004 Register of Copyrights, United States of America DO NOT WRITE ABOVE THIS LINE IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET TITLE OF THIS WORK Y NATURE OF THIS WORK W See he had to 100 his 8074 to Grecco Photography 6/4/04 to 6/30/04 **Photographs** PREVIOUS OF ALTERNATIVE THE T Publication as a Contribution If the work was published as a contribution to a periodical serial or collection, give information about the collective work in which the contribution appeared.

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17/U S C (806(e) Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written eletterment field in connection with the application, shall be fined not more than \$2,500

Santa Monica CA 90405

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This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Register of Copyrights, United States of America

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Filed 07/01/2008

Page 15 of 21

Case 1:07-cv-08171-CM-JCF



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America

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EDWARD C. GREENBERG, PC

COUNSELORS AT LAW 100 PARK AVENUE, 33RD FLOOR NEW YORK, NY 10017

> TELEPHONE: (212) 697-8777 FACSIMILE: (212) 697-2528 ecglaw@aol.com

Erica J. Galinski

Of Counsel: Debra S. Reiser

July 15, 2006

BY HAND

Mr. Michael Williams Director of Photography Everett Collection, Inc. 104 West 27th Street 3rd Floor New York, NY 10001

Re: Michael Grecco Photography Inc. v. The Everett Collection

Our File: C374P/06

Dear Mr. Williams:

This office serves as retained litigation counsel to Michael Grecco, a photographer of considerable reputation.

His work has graced numerous magazine covers including most recently, Time Magazine (Steven Spielberg). His celebrity and advertising work has appeared in over fifty major publications. He has authored several books, is a lecturer/instructor on copyright (and other) issues, paid endorser of photographic goods and services and has served as an officer in major industry trade groups. We direct your attention to our client's website, michaelgrecco.com where you can view a representative portion of Mr. Grecco's published work. Please note the copyright notices appearing thereon.

It has come to our attention that The Everett Collection offers for sale on its site not less than twenty two images created by our client. Such posting is without the consent, knowledge or authorization of our client. Mr. Grecco holds the copyright in each and every image. Copies of each registration certificate on file with the United States Copyright Office are enclosed. We also enclose screen captures of the images as they appear on your site. The posting of the subject images constitutes copyright infringement(s) pursuant to Title 17 - The Copyright Act.

EDWARD C. GREENBERG, PC

Pg 2

You will note that on numerous of the images Mr. Grecco is 1 sted as a copyright owner. Notwithstanding you have placed the imprimatur of your agency over our client's images. By holding out Mr. Grecco's images on your site and facilitating the sale and or license of same for compensation, your company has and continues to violate our client's copyrights in same.

Your use of our client's images post copyright and trade mark registrations makes you subject to awards of statutory damages and attorneys fees pursuant to applicable Federal Law. Such uses constitute wilful infringement under the law and we will act accordingly.

Such offering of his images is false and misleading in that by so cloing your represent to the advertising, media and photographic communities that you are an authorized agent or representative of our client's work. You are not. Mr. Grecco's images are globally and legally represented by several representatives and stock agencies. Substantial revenues are earned thereby. Your actions as set forth herein, may seriously and adversely affect our client's assignment work as well as the willingness of celebrities to sit for him.

Our client aggressively protects both his copyrights and trade marks. He has instituted litigation through this office in New York and via his attorneys in both Los Angeles and Boston. Suits have been instituted in both state and federal courts both in New York and elsewhere. We fully intend to institute suit against the Everett Collection failing appropriate and prompt payment.

Pursuant to Federal Rule 11, formal request is made herein for the following information in order that we may form an appropriate demand for non-judicial settlement:

- 1. A full accounting setting forth the nature and extent of all licensing, sales or transactions of any kind (inclusive of research or package fees) in which Everett has participated involving our client's images. Such accounting to include all gross fees and monies received by Everett in consideration of such transactions, names of customers, dates of transactions and use(s) or purported licenses conveyed;
- 2. The identities of all customers, syndicators, stock agents, individuals and clients who have received and/or downloaded our client's images from your site or company irrespective of format;
- 3. Copies of all documents reflecting the purported sale or licensing by Everett to all entities or individuals;
- 4. Disclosure of any or all images created by our client and NOT included in the annexed enclosure. All requests contained herein are inclusive of any and all such images;

EDWARD C. GREENBERG, PC

Pg 3

- 5. Copies of any assignments, license(s), contract(s), permissions or documents of any kind upon which Everett relies for the proposition that if possesses any rights to display, license and/or sell any Grecco image;
- 6. Any documents upon which Everett intends to rely on for the proposition that it has authority to use or employ Mr. Grecco's registered trademark;
- 7. The source(s) from which Everett has obtained our client's images and the format(s) of images received by you. Clearly you have had our client's work (at least) scanned. Request is made herein that you provide the identities of those persons and/or entities who have reproduced, scanned, copied and/or provided caption information accompanying our client's images whether appearing on your site or in your files;
- 8. Copies of any advertising or promotional media used by Everett alone or in conjunction with others containing any of our client's images, trade mark and/or name;
- 9. Copies of any model or property releases in your possession, custody or control pertaining to any person, property or trade mark visible in any of the subject images. As you may know, Mr. Grecco does not participate in or allow the use of any celebrity image for uses violative of state or federal criminal, privacy and/or publicity statutes including but not limited to the New York Civil Rights Law Sections 50,51 and other substantially equivalents statutes in California, Florida and elsewhere.

Formal request is made herein that you *immediately* take down all of our client's images from your site and withdraw them from your files and the stream of commerce. We require a writing acknowledging that such action has been taken. Please be advised that both our client and the undersigned are completely familiar with all of the business aspects pertaining to the syndication and licensing of photography and have often written, lectured and litigated such issues.

We respectfully suggest that you forward this letter to your attorneys. Failing actual receipt of a meaningful written response from you or your legal counsel by July 19, 2006, we will be constrained to file suit in the United States District Court, Souther 1 District of New York.

Very truly yours,

cc: Michael Grecco

------NOTICE OF SETTLEMENT======

Southern District of New York United States District Court

Please take notice that the within is a (certified) true copy

======NOTICE OF ENTRY====

of a duly entered in the office of the clerk of the within

named court on

Dated: New York, New York

EDWARD C. GREENBERG, PC

Yours, etc.,

570 Lexington Ave., 17th Floor

Attorney for Plaintiff

New York, New York 10022

To:

Index No.

Court, at Room of the United States District Court of day of for submission to one of the judges of the within named of which the within is a true copy will be presented for settlement to , 2007 at 9:00 in the forenoon of said day. the Southern District of New York on the Please take notice that the

To:

Dated: New York, NY

570 Lexington Ave., 17th Floor New York, New York 10022 Edward C. Greenberg, PC Yours, etc.,

Dated:

To: